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cont.

compares the received image information with stored image information corresponding to the vehicle front seat, and (iii) outputs an inhibit signal inhibiting activation of the airbag when the comparison determines the occupancy of the vehicle front seat is within a predetermined class; wherein said processor modifies said stored image information for slowly changing light levels.

#### REMARKS

The amendments and remarks presented herein are believed to be fully responsive to the recent Office Action. Enclosed herewith is a petition and fee for a three-month extension of time in order to extend the response due date to January 14, 2000. Reconsideration is requested.

Claims 93-112 are pending in the application. Claims 108-112 were withdrawn from consideration pursuant to a requirement to chose between alleged distinct inventions. Claims 97-99 were withdrawn from consideration as directed to a non-elected species. However, claims 97-99 are dependent on claim 93 which, as will be discussed below, is submitted to be an allowable generic claim. Accordingly, claims 97-99 should also be considered.

Claims 93-96, 100, 102, 104 and 106-107 are rejected under 35 U.S.C. § 102(b) as being anticipated by Breed et al. '802. Because a reference must disclose each and every element of a claim in order to anticipate that claim, it is submitted that the rejection under 35 U.S.C. § 102(b) is overcome. In the case of claim 93, Breed et al. does not disclose an apparatus for controlling vehicle equipment including an imaging device and a processor, wherein the apparatus is substantially insensitive to changes in lighting conditions surrounding the imaging device. With respect to claim 100, Breed et al. does not disclose an apparatus for controlling activation of an airbag in a vehicle including an imaging device and a processor, wherein the processor modifies stored image information for slowly changing light levels.

Accordingly, Breed et al. does not anticipate claim 93 or claim 100. Claim 96 is dependent on claim 93 and claims 102, 104 and 106-107 are dependent on claim 100. Accordingly, it is submitted that the rejection should be withdrawn.

Claims 94-95, 100, 103 and 105 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breed et al. alone or in combination with Tsai United States Patent 4,974,078.

As set forth above, Breed et al. does not disclose, teach or suggest an apparatus having an imaging device and a processor, wherein the apparatus is substantially insensitive to changes in lighting conditions surrounding the imaging device. Nor does Breed et al. disclose an

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apparatus for controlling activation of an airbag in a vehicle including an imaging device and a processor wherein the processor modifies stored image information for slowly changing light levels. It is submitted that there is nothing in Breed et al. or in the prior art that would suggest a modification to Breed et al. that would provide these combinations. Nor does Tsai make up for that which is missing from Breed et al. Tsai discloses a method including a single-chip color camera. However, Tsai does not suggest the combination of claims 93 or 100 either alone or in combination with Breed et al. Because claims 94-105 are dependent on claim 93 and claim 101 is dependent on claim 100, it is submitted that the rejection of claims 94-95 and 101 under 35 U.S.C. § 103(a) has been overcome. Withdrawal of the rejections is requested.

The amendments presented herein are fully supported by the application. Accordingly, no new matter is added. It is submitted that the application is in a condition for allowance. A notice to that effect is earnestly solicited. If the Examiner believes that a telephone interview would expedite prosecution of the application, it is requested that the Examiner contact the undersigned attorney.


Enclosed herewith is a revocation of the prior power of attorney and appointment of the undersigned.

Respectfully submitted,

KENNETH SCHOFIELD ET AL.

By: Van Dyke, Gardner, Linn & Burkhardt, LLP

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